

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00315-TNM**

NATURAL RESOURCES DEFENSE COUNCIL, INC. v.
UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY et al

Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 02/07/2019

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**NATURAL RESOURCES DEFENSE
COUNCIL, INC.**

represented by **Rebecca Hammer**
NATURAL RESOURCES DEFENSE
COUNCIL
1152 15th Street, NW
Suite 300
Washington, DC 20005
(202) 513-6254
Email: rhammer@nrdc.org
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY**

represented by **Johnny Hillary Walker , III**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2575
Fax: (202) 252-2599
Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES ARMY CORPS OF
ENGINEERS**
TERMINATED: 04/10/2019

represented by **Roberto Cesar Martens , Jr.**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2574
Fax: (202) 252-2599
Email: roberto.martens@usdoj.gov
TERMINATED: 04/25/2019

Defendant

**UNITED STATES DEPARTMENT OF
JUSTICE**
TERMINATED: 05/17/2019

represented by **Johnny Hillary Walker , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/07/2019	<u>1</u>	COMPLAINT against UNITED STATES ARMY CORPS OF ENGINEERS, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5934421) filed by NATURAL RESOURCES DEFENSE COUNCIL, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit

		E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Civil Cover Sheet, # <u>10</u> Summons EPA, # <u>11</u> Summons Army Corps, # <u>12</u> Summons DOJ, # <u>13</u> Summons AG, # <u>14</u> Summons USAO)(Hammer, Rebecca) (Attachment 9 replaced on 2/7/2019) (zef,). (Entered: 02/07/2019)
02/07/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATURAL RESOURCES DEFENSE COUNCIL, INC. (Hammer, Rebecca) (Main Document 2 replaced on 2/8/2019) (zth). (Entered: 02/07/2019)
02/07/2019		Case Assigned to Judge Trevor N. McFadden. (zef,) (Entered: 02/07/2019)
02/07/2019	<u>3</u>	SUMMONS (5) Issued Electronically as to UNITED STATES ARMY CORPS OF ENGINEERS, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 02/07/2019)
02/25/2019	<u>4</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Walker, Johnny) (Entered: 02/25/2019)
02/26/2019	<u>5</u>	NOTICE of Appearance by Roberto Cesar Martens, Jr on behalf of UNITED STATES ARMY CORPS OF ENGINEERS (Martens, Roberto) (Entered: 02/26/2019)
02/26/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/19/2019. Answer due for ALL FEDERAL DEFENDANTS by 3/21/2019. (Attachments: # <u>1</u> Exhibit A)(Hammer, Rebecca) (Entered: 02/26/2019)
02/26/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/19/2019. (Attachments: # <u>1</u> Exhibit A)(Hammer, Rebecca) (Entered: 02/26/2019)
02/26/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES ARMY CORPS OF ENGINEERS served on 2/19/2019; UNITED STATES DEPARTMENT OF JUSTICE served on 2/19/2019; UNITED STATES ENVIRONMENTAL PROTECTION AGENCY served on 2/25/2019 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Hammer, Rebecca) (Entered: 02/26/2019)
03/21/2019	<u>9</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.(Walker, Johnny) (Entered: 03/21/2019)
03/21/2019		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before April 22, 2019. Signed by Judge Trevor N. McFadden on 03/21/2019. (lctnm2) Modified on 3/21/2019 to edit year(hmc). (Entered: 03/21/2019)
03/21/2019		Set/Reset Deadlines: Joint Status Report due by 4/22/2019. (hmc) (Entered: 03/21/2019)
04/10/2019	<u>10</u>	STIPULATION of Dismissal <i>Regarding Defendant United States Army Corps of Engineers</i> by UNITED STATES ARMY CORPS OF ENGINEERS. (Martens, Roberto) (Entered: 04/10/2019)
04/10/2019		MINUTE ORDER. Upon considering the parties' <u>10</u> Stipulation of Dismissal as to Defendant United States Army Corps of Engineers, it is hereby ordered that the Corps is terminated as a defendant in this action. The Plaintiff's action against the Corps is dismissed with prejudice under Federal Rule of Civil Procedure 41 and the terms of the Stipulation. This action will therefore continue with the Environmental Protection Agency and the Department of Justice as the only defendants. Signed by Judge Trevor N. McFadden on 04/10/2019. (lctnm2) (Entered: 04/10/2019)

04/22/2019	<u>11</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Walker, Johnny) (Entered: 04/22/2019)
04/23/2019		MINUTE ORDER. Upon considering the parties' <u>11</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before May 22, 2019. The Joint Status Report shall update the Court on the Defendants' processing of the Plaintiff's request and inform the Court how the parties wish to proceed in this matter. Signed by Judge Trevor N. McFadden on 04/23/2019. (lctnm2) (Entered: 04/23/2019)
04/24/2019		Set/Reset Deadlines: Joint Status Report due by 5/22/2019. (hmc) (Entered: 04/24/2019)
04/25/2019	<u>12</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. Attorney Roberto Cesar Martens, Jr terminated. (Walker, Johnny) (Entered: 04/25/2019)
05/17/2019	<u>13</u>	STIPULATION of Dismissal <i>Regarding Defendant United States Department of Justice</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Walker, Johnny) (Entered: 05/17/2019)
05/17/2019		MINUTE ORDER: Upon consideration of the parties' <u>13</u> Stipulation of Dismissal, it is hereby ORDERED that all claims against the United States Department of Justice are hereby DISMISSED with prejudice. The Clerk of the Court shall terminate the Department of Justice as a defendant in this case. Signed by Judge Trevor N. McFadden on 5/17/2019. (lctnm3) (Entered: 05/17/2019)
05/22/2019	<u>14</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Walker, Johnny) (Entered: 05/22/2019)
05/23/2019		MINUTE ORDER. Upon considering the parties' <u>14</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before August 16, 2019. The Joint Status Report should inform the Court about the Defendant's processing of the Plaintiff's FOIA request and how the parties wish to proceed in this matter. Signed by Judge Trevor N. McFadden on 05/23/2019. (lctnm2) (Entered: 05/23/2019)
05/24/2019		Set/Reset Deadlines: Joint Status Report due by 8/16/2019. (hmc) (Entered: 05/24/2019)
08/16/2019	<u>15</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Walker, Johnny) (Entered: 08/16/2019)
08/19/2019		MINUTE ORDER. Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before November 13, 2019. The Joint Status Report should advise the Court of the status of the EPA's releases and propose a schedule for further proceedings, if necessary. Signed by Judge Trevor N. McFadden on 08/19/2019. (lctnm2) (Entered: 08/19/2019)
08/20/2019		Set/Reset Deadlines: Joint Status Report due by 11/13/2019. (hmc) (Entered: 08/20/2019)
11/13/2019	<u>16</u>	Joint STATUS REPORT by NATURAL RESOURCES DEFENSE COUNCIL, INC.. (Hammer, Rebecca) (Entered: 11/13/2019)
11/13/2019		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Joint Status Report on or before December 20, 2019. The report should inform the Court of the status of the fee settlement discussions and propose a schedule for any further proceedings, if necessary. If the parties reach a settlement before December 20, 2019, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/13/2019. (lctnm2) (Entered: 11/13/2019)
11/13/2019		Set/Reset Deadlines: Joint Status Report due by 12/20/2019. (hmc) (Entered: 11/13/2019)